

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE ENROLLED ACT No. 343

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AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 13-11-2-72.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 72.5. "Excellent category", for purposes of IC 13-18-3-2, refers to scoring criteria used in a scientifically accepted model such as the Invertebrate Community Index (Barbour et al. 1997) and the Index of Biotic Integrity (Karr et al. 1986).**

SECTION 2. IC 13-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The board may adopt rules under IC 4-22-2 that are necessary to the implementation of:

- (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and
- (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

**(b) Before the board may adopt a rule designating a waterbody as an outstanding state resource water or an outstanding national**

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resource water:

- (1) the biological criteria scores for the waterbody, using factors that consider fish communities, macro invertebrate communities and chemical quality criteria, must be in the excellent category; and
  - (2) the board must consider the following:
    - (A) Economic impact analyses, taking into account future population and economic development growth.
    - (B) Representative biological data from the waterbody under consideration.
    - (C) The level of current urban and agricultural development in the watershed.
  - (c) In addition to the requirements set forth in subsection (b), before the board may adopt a rule designating a waterbody as an outstanding national resource water, the board must establish the following:
    - (1) The quality of the waterbody at the time the rule is adopted is in the excellent category.
    - (2) The waterbody has national importance.
  - (d) The commissioner shall present information that supports a waterbody designation to the environmental quality service council not later than:
    - (1) one hundred and twenty (120) days after the rule regarding the designation takes effect; or
    - (2) the first meeting of the environmental quality service council that follows the adoption of the rule;
 whichever occurs first.
  - (e) The environmental quality service council shall make recommendations to the general assembly regarding legislation concerning waterbody designations.
- SECTION 3. IC 13-18-19-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The department may issue National Pollutant Discharge Elimination System (NPDES) permits that include alternate water quality based effluent limits that:
- (1) are based on receiving water flows associated with, or characteristic of, wet weather conditions of various degrees of duration and intensity; or
  - (2) provide increased mass limitations for publicly owned treatment works that:
    - (A) are capable of treating wastewater flows that exceed the design flow used to calculate normal water quality



based effluent limits; and

(B) thereby reduce the volume of discharge of wastewater from plant bypasses or combined sewer overflows.

(b) The water pollution control board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this section.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) If any part of a rule adopted by the water pollution control board creates or changes water quality standards concerning antidegradation, sediment criteria, or biocriteria, that part of the rule may not take effect before July 1, 2000.

(b) This SECTION expires July 2, 2000.

SECTION 5. An emergency is declared for this act.

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